

HOUSE BILL NO. 217

INTRODUCED BY M. MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FISH, WILDLIFE, AND PARKS LAWS REGARDING THE ILLEGAL USE OF ALCOHOL; AUTHORIZING FISH, WILDLIFE, AND PARKS WARDENS AND PARK RANGERS TO ENFORCE LAWS RELATED TO MINORS IN POSSESSION OF INTOXICATING SUBSTANCES ON LANDS OWNED OR OPERATED BY THE DEPARTMENT, ON OTHER STATE LANDS PURSUANT TO AN AGREEMENT WITH THE APPROPRIATE LAND MANAGEMENT AGENCY, AND ON STATE WATERS; AMENDING SECTIONS 23-1-122 AND 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-1-122, MCA, is amended to read:

"23-1-122. Enforcement powers of park rangers and game wardens. (1) Park rangers appointed pursuant to 23-1-121 and fish and game wardens appointed pursuant to 87-1-501 are authorized officers with the authority to enforce the laws and adopted rules relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except chapter 2, part 7.

(2) An authorized officer may:

(a) arrest, in accordance with Title 46, chapter 6, any person within an area managed by the department upon probable cause to believe that the person has committed an offense against chapters 1 and 2 of this title, except chapter 2, part 7, or rules of the department or the fish, wildlife, and parks commission;

(b) enforce the disorderly conduct and public nuisance laws under 45-8-101 and 45-8-111 as they apply to the operation of motorboats on waters within areas managed by the department under this part; ~~and~~

(c) enforce the provisions of 45-5-624 as they pertain to possession of intoxicating substances by minors on lands owned or operated by the department, on other state lands pursuant to an agreement with the appropriate land management agency, and on state waters; and

~~(c)~~(d) exercise other powers of peace officers in the enforcement of:

(i) laws relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except chapter 2, part 7;

(ii) rules of the department and the fish, wildlife, and parks commission; and

(iii) judgments obtained for violations of the laws and rules specified in this subsection ~~(2)(c)~~ (2)(d)."

Section 2. Section 87-1-506, MCA, is amended to read:

"87-1-506. Enforcement powers of wardens. (1) A warden may:

(a) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

(b) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket, creel, crate, game bag, or package, or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;

(c) search, with a search warrant, any dwelling house or other building;

(d) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;

(e) seize and hold, subject to law or the orders of the department, devices that have been used to unlawfully take game, fish, birds, or fur-bearing animals;

(f) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;

(g) enforce the disorderly conduct and public nuisance laws, 45-8-101 and 45-8-111, as they apply to the operation of motorboats on all waters of the state;

(h) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides in the state; ~~and~~

(i) enforce the provisions of 45-5-624 as they pertain to possession of intoxicating substances by minors on lands owned or operated by the department, on other state lands pursuant to an agreement with the appropriate land management agency, and on state waters; and

~~(j)~~ (i) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules of the department, and judgments obtained for violation of those laws or rules.

(2) The meat of game animals ~~that are~~ seized pursuant to subsection (1)(d) must be donated directly to the Montana food bank network; or to public or charitable institutions; to the extent reasonably feasible. Any meat that the department is unable to donate must be sold pursuant to 87-1-511, with the proceeds to be distributed as provided in 87-1-513(2)."

2 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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